

Union Calendar No. 216

103D CONGRESS
1ST SESSION

H. R. 3378

[Report No. 103-390]

A BILL

To amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

NOVEMBER 20, 1993

Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1993

Mr. GEKAS introduced the following bill; which was referred to the Committee
on the Judiciary

NOVEMBER 20, 1993

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend title 18, United States Code, with respect to
parental kidnapping, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Parental
5 Kidnapping Crime Act of 1993”.

1 **SEC. 2. TITLE 18 AMENDMENT.**

2 (a) IN GENERAL.—Chapter 55 (relating to kidnap-
3 ping) of title 18, United States Code, is amended by add-
4 ing at the end the following:

5 **“§ 1204. International parental kidnapping**

6 “(a) Whoever removes a child from the United States
7 or retains a child (who has been in the United States)
8 outside the United States with intent to obstruct the law-
9 ful exercise of parental rights shall be fined under this
10 title or imprisoned not more than 3 years, or both.

11 “(b) As used in this section—

12 “(1) the term ‘child’ means a person who has
13 not attained the age of 16 years; and

14 “(2) the term ‘parental rights’, with respect to
15 a child, means the right to physical custody of the
16 child—

17 “(A) whether joint or sole (and includes
18 visiting rights); and

19 “(B) whether arising by operation of law,
20 court order, or legally binding agreement of the
21 parties.

22 “(c) It shall be an affirmative defense under this sec-
23 tion that—

24 “(1) the defendant acted within the provisions
25 of a valid court order granting the defendant legal
26 custody or visitation rights and that order was ob-

1 tained pursuant to the Uniform Child Custody Ju-
2 risdiction Act and was in effect at the time of the
3 offense;

4 “(2) the defendant was fleeing an incidence or
5 pattern of domestic violence; and

6 “(3) the defendant had physical custody of the
7 child pursuant to a court order granting legal cus-
8 tody or visitation rights and failed to return the
9 child as a result of circumstances beyond the defend-
10 ant’s control, and the defendant notified or made
11 reasonable attempts to notify the other parent or
12 lawful custodian of the child of such circumstances
13 within 24 hours after the visitation period had ex-
14 pired and returned the child as soon as possible.

15 “(d) This section does not detract from The Hague
16 Convention on the Civil Aspects of International Parental
17 Child Abduction, done at The Hague on October 25,
18 1980.”.

19 (b) SENSE OF THE CONGRESS.—It is the sense of
20 the Congress that, inasmuch as use of the procedures
21 under the Hague Convention on the Civil Aspects of Inter-
22 national Parental Child Abduction has resulted in the re-
23 turn of many children, those procedures, in circumstances
24 in which they are applicable, should be the option of first

1 choice for a parent who seeks the return of a child who
2 has been removed from the parent.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 55 of title 18, United States
5 Code, is amended by adding at the end the following:

“1204. International parental kidnapping.”.

6 **SEC. 3. STATE COURT PROGRAMS REGARDING INTER-**
7 **STATE AND INTERNATIONAL PARENTAL**
8 **CHILD ABDUCTION.**

9 There is authorized to be appropriated \$250,000 to
10 carry out under the State Justice Institute Act of 1984
11 (42 U.S.C. 10701–10713) national, regional, and in-State
12 training and educational programs dealing with criminal
13 and civil aspects of interstate and international parental
14 child abduction.

Passed the House of Representatives November 20,
1993.

Attest:

Clerk.